

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**CENTRAL STATES, SOUTHEAST
AND SOUTHWEST AREAS
HEALTH AND WELFARE FUND;
and CHARLES A. WHOBREY, as
Trustee,**

Plaintiffs,

v.

**HOLLISTON HOLDINGS, LLC, a
Tennessee Limited Liability
Company; and ERIC COOK, an
individual,**

Defendants.

Case No. 22-cv-2479

Judge Elaine E. Bucklo

ERIC COOK AFFIDAVIT

I, Eric Cook, being first duly sworn on oath, depose and state as follows:

1. Except as otherwise indicated herein, I have personal knowledge of the matters set forth herein and, if called as a witness, would testify competently to such matters.
2. I am the President of Holliston Holdings LLC ("Holliston") and a defendant in the above-captioned lawsuit (the "Lawsuit").
3. I submit this affidavit in connection with the Response in Opposition to Plaintiffs' Motion for a Preliminary Injunction filed by Holliston and myself.
4. Holliston and Local Union No. 519 of the International Brotherhood of Teamsters have been parties to a collective bargaining agreement under which Holliston makes contributions to the Central States, Southeast and Southwest Areas Health and Welfare Fund (the "Health Fund") on behalf of certain of its covered employees.

5. Under Article 25 of the collective bargaining agreement between Holliston and Local Union No. 519 International Brotherhood of Teamsters, Holliston had the authority to deduct 20% of healthcare coverage costs provided by the Health Fund from each covered employee's bi-weekly paycheck ("Employee Contributions").
6. In addition to deducting employee contributions, Holliston had an obligation to pay additional sums as the employer's contribution toward its employees' health coverage.
7. On May 13, 2022, Holliston wired \$70,000.00 to the Health Fund to satisfy Holliston's April 2002 contributions to the Health Fund. Holliston received confirmation of the Health Fund's receipt of the wire transfer at 3:33 pm.
8. I did not become aware of the filing of the Lawsuit or the pending motion for a preliminary injunction until I received an email from Daniel Sullivan, the Health Fund's counsel on May 13, 2022 at Dan Sullivan, attorney for Central States Fund at 5:16pm.
9. I maintain an email account, ecook@holliston.com, from which I regularly send and receive emails.
10. I received Daniel Sullivan's email from dsulliva@centralstatesfunds.org, which is the same address he lists on the Health Fund's complaint and its injunction motion filed in the Lawsuit.
11. I have from time to time corresponded by email with Andrew Sprau, whom I know to be an employee of the Health Fund, by using the email address Mr. Sprau provided, which is asprau@centralstatesfunds.org. Mr. Sprau has responded to my emails using the same email address.

12. On May 17, 2022, I delivered the email attached as Exhibit 1 to Mr. Sprau.
13. I attached my May 17, 2022 email to Sprau as Exhibit 1 and the letter, included with the email, as Exhibit 2.
14. In the letter attached as Exhibit 2, Holliston directed the Health Fund to apply a \$67,500.00 wire transfer of funds first to any Employee Contributions due but unpaid as of May 16, 2022.
15. On May 17, 2022, after I delivered my email and the letter (Exhibits 1 and 2), Holliston wire transferred \$67,500.00 to the Health Fund to prevent the Health Fund from terminating Holliston's employee's health coverage
16. Based on the accounting of amounts owing by Holliston received from the Health Fund, the wire transfer, which Holliston delivered on May 17, 2022, satisfied all Employee Contributions that Holliston owed.
17. I attached my June 3, 2022 email to Sprau as Exhibit 3 and the letter, included with the email, as Exhibit 4.
18. In the letter attached as Exhibit 4, Holliston advised the Health Fund that it would deliver \$108,176.95 by wire transfer of funds to pay all amounts Holliston owed to the Health Fund.
19. On June 3, 2022, after I delivered my email and the letter (Exhibits 3 and 4), Holliston wire transferred \$108,176.95 to the Health Fund to pay all sums owing to the Health Fund.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that my statements are true and correct.

FURTHER AFFIANT SAITH NAUGHT.

Dated: June 3, 2022

A handwritten signature in dark ink, appearing to read "Eric Cook", is written above a horizontal line.

Eric Cook

Exhibit 1

From: [Eric Cook](#)
To: [ANDREW SPRAU \(O/A\)](#)
Cc: [Gregory Jordan](#)
Subject: Holliston Wire Payment
Date: Tuesday, May 17, 2022 11:15:54 AM
Attachments: [Letter to Central States Concerning Allocation of Wire Payment 220517.pdf](#)

Andy,

Please see attached letter.

Regards,
Eric

Eric Cook
President
216-212-7787

Exhibit 2



Via Electronic Mail asprau@centralstates.org

Andrew Sprau

Group Manager, Operations Accounting Group
Central States Funds
8647 W. Higgins Road
Chicago, IL 60631

Dear Mr. Sprau,

Re: Payment of Obligations to the Central States, Southeast and Southwest Areas Health and Welfare Fund

Under Article 25 of the collective bargaining agreement between Holliston Holdings LLC and Local Union No. 519 International Brotherhood of Teamsters, Holliston Holdings LLC has the authority to deduct 20% of healthcare coverage costs provided by the Central States, Southeast and Southwest Areas Health and Welfare Fund (the "Health Fund") from each covered employee's bi-weekly paycheck ("Employee Contributions").

Today we will wire the sum of \$67,500.00. Holliston Holdings LLC directs the Health Fund to apply the funds first to any Employee Contributions due but unpaid as of May 16, 2022. If funds remain after using the funds as directed, apply those amounts to any outstanding balance owing to the Health Fund as of May 16, 2022, towards the most recent invoice.

If you have any questions, contact Holliston Holdings LLC's counsel, Gregory Jordan, at (312) 854-7181 or by electronic mail to gjordan@iz-llc.com.

Very truly yours,

Holliston Holdings LLC

A handwritten signature in black ink, appearing to read "Eric Cook", written over a horizontal line.

Eric Cook, President

EC/rwj

cc: Gregory J. Jordan (Via Electronic Mail: GJordan@iz-llc.com)

Exhibit 3

From: [Eric Cook](#)
To: [ANDREW SPRAU \(O/A\)](#)
Cc: [Gregory Jordan](#); [Joshua Enderle](#); [Kendra Culver](#); [Rebecca Everhart](#)
Subject: Holliston Wire Payment
Date: Friday, June 3, 2022 11:48:54 AM
Attachments: [Letter to Central States Concerning Allocation of Wire Payment 220603.pdf](#)

Andy,

Please see attached letter.

Regards,
Eric

Eric Cook
President
216-212-7787

Exhibit 4



Via Electronic Mail asprau@centralstates.org

June 3, 2022

Andrew Sprau

Group Manager, Operations Accounting Group
Central States Funds
8647 W. Higgins Road
Chicago, IL 60631

Dear Mr. Sprau,

Re: Payment of Obligations to the Central States, Southeast and Southwest Areas Health and Welfare Fund

Under Article 25 of the collective bargaining agreement between Holliston Holdings LLC and Local Union No. 519 International Brotherhood of Teamsters, Holliston Holdings LLC has the authority to deduct 20% of healthcare coverage costs provided by the Central States, Southeast and Southwest Areas Health and Welfare Fund (the "Health Fund") from each covered employee's bi-weekly paycheck ("Employee Contributions").

Today we will wire the outstanding balance owed to the Health Fund, which is \$108,176.95. If you dispute the balance, please provide an accounting in writing.

In an abundance of caution, Holliston Holdings LLC directs the Health Fund to apply the funds first to any Employee Contributions due but unpaid as of May 16, 2022. If funds remain after using the funds as directed, apply those amounts to any outstanding balance owing to the Health Fund as of May 16, 2022, towards the most recent invoice.

If you have any questions, contact Holliston Holdings LLC's counsel, Gregory Jordan, at (312) 854-7181 or by electronic mail to gjordan@jz-llc.com.

Very truly yours,

Holliston Holdings LLC

A handwritten signature in black ink, appearing to read "Eric Cook", is written over a faint, larger signature.

Eric Cook, President

EC/rwj

cc: Gregory J. Jordan (Via Electronic Mail: GJordan@jz-llc.com)